THE CASE

Of the UNFORTUNATE

BOSAVERN PENLEZ.

Summum jus, summa injuria.

LONDON:

Printed for T. CLEMENT near St. Paul's.

M.DCC.LXX. [Price]

BRITISH MUSEUM

1417 f 13.

THE CASE

Of the UNFORTUNATE BOSAVERN PENLEZ.

S the Fact and Circumſtances which loſt to his Majeſty a Subject, and to Society a Member, can ſcarce be indifferent to the Public, the following Sheets will ſerve to give a juſt Idea of the Degree of Guilt which it was the hard Fate of an unhappy young Man to expiate, by a Puniſhment common to the greateſt of Crimes.

Nor can it be objected, without a Violation of Humanity, without a Violation of Juſtice, which, like the Chriſtian Religion,

ſees all Perſons with equal Eyes, that the Condition of this young Man, low as he was in Life, renders the Rigour of his deplorable Deſtiny the leſs an Object of the public Concern and Attention. A Lord and the meaneſt Craftſman are but Men alike, are but Subjects alike, and are, or ought to be, equally dear to the Laws of Society.

But as there is no Intention here to lay Snares for Compaſſion by Falſities, much leſs to arraign, or reflect, on a public Judgment, or on the Wiſdom of the executive Power, we ſhall give as fair and impartial a Relation of the whole Matter, as may ſatisfy all Lovers of Truth, who may be deſirous of knowing the Whole of a Tranſaction, which has made ſome, and indeed cannot make too much, Noiſe, if but for Caution-ſake to the Young and Unwary.

But, for the clearer Notion of the Circumſtances leading to the Deſtruction of this young Man, it may not be amiſs to enter firſt into the Merits of that Set of Men, vulgarly called *Cock-Bawds*, as thoſe ſuppoſed at leaſt to follow that Trade or Myſtery, were the paſſive, and, if you pleaſe, *innocent* Cauſes, of all the Uproar, which, in it's Conſequence, became ſo fatal to a harmleſs unthinking Lad, who, it is eaſy to conclude, knew nothing of the Danger of what he was about,

and

and engag'd in it merely in the Heat of young Blood, as a pleaſant Frolick.

Now, certain it is, that the Profeſſion of a Bawd is not of itſelf extremely reputable, even when exerciſed by one of thoſe ſuperannuated Females, who, after perhaps a long Courſe of lying at Livery in the Inns of Accommodation for Travellers to the Land of Pleaſure, commence Inn-Keepers themſelves, and live by letting out Hacks: But, when this Calling, which by the Nature of it ſeems more adapted to the female Sphere, is taken up by a Male-Profeſſor, it is rare for him to ſhine in that Character. It ſeems, in the firſt Place, every Way beneath the Dignity of his Sex; then again, it ſits ſo aukward and clumſy upon a Man, that he makes but a bad Figure in thoſe Complaiſances which his Office of Purveyorſhip exacts. It is, perhaps, as untoward for a Man to hold a Door as to make a Bed; but, what ought not to be eſteemed a ſlight Objection to one of that Sex embracing this Function, is, that as none would follow it but the baſeſt, meaneſt, and, in every Reſpect, the moſt worthleſs of Mankind, there is nothing ſo dangerous or wicked, but what may, without the leaſt Breach of Charity, be expected from them; ſo they have more Strength, Conduct, and Daring, to put any Villainy in Execution, than thoſe of the weaker Sex.

But, though no Man who makes a reaſonable Allowance for the Frailties and Temptations of human Nature, will ever contend for a ſtrict Execution of the Laws, eſpecially in this great and populous City, againſt theſe Houſes of Accommodation, when they are, in other Reſpects, harmleſs and inoffenſive; yet, one would imagine, that the Buſineſs carried on in them, which, by it's Nature, loves Privacy and Obſcurity, ſhould be confin'd to Lanes and Alleys; whereas, we have lately ſeen Numbers, eſpecially of thoſe Male-Bawds, pick out only the moſt frequented Capital Streets; where, braving all public Decency and Order, they have ſet up their Trade in Rank with, and in Front of, the beſt and moſt creditable Shops; where the Wives and Children of thoſe Shop-Keepers could not be extremely edified with the brazen-fac'd Manner of carrying on ſuch Doings, conſummately under their Noſe, and ſcarce out of their Sight. Now, who knows not the Force of ſuch Examples, eſpecially repeated ones, towards taking off a great deal of the Dread and Horror of a Frailty, againſt which, even the moſt virtuous Education is not always a ſufficient Guard? Then the Frequency of the Sight familiarizes, at length, the Idea of a Vice, ever more or leſs fortify'd by the Inclination of Nature; and People are ready enough to think there is not ſo much Harm

in

in what they ſee openly countenanced and practiſed by Numbers.

Now, it is certain, that nothing could be more flagrantly and indecently conducted, than the Buſineſs of theſe Houſes.

A Fellow, for Example, is abandoned to all Senſe of Shame, and, in courſe, of a Character ſo far indeed innocent, that, being evidently, by the Choice of his Way of Livelihood, the meaneſt and moſt profligate of Men, there is nothing ſo bad as may not be expected from him: Thus, and no better qualified, he ſets up one of theſe Houſes, hangs out a Bunch of Grapes for a Sign, where, under Colour of ſelling ſome execrable Wine or Spirits, that no Way of poiſoning his Majeſty's Subjects may eſcape him, he provides a Hackney-Seraglio of wretched Women, to oblige his Cuſtomers. Theſe he lodges, boards, or has at Call; and, if they bring no Rottenneſs into his Houſe, are ſure to contract it there, by the uſual Effect of undiſtinguiſhing Proſtitution to all Cuſtomers, beſides Comers and Goers.

Then, whilſt theſe poor young Women, who are thus uſed by him as the Inſtruments of his infamous Livelihood, continue ſubjected to his Controul, how ſeverely do they pay for the Miſchief they are compelled, in their own Defence, to commit? The Spunges of an imperious Taſk-Maſter, who, if they have

have ſoaked up any Trifle, through the Generoſity or Fondneſs of thoſe they call ſo ſignificantly their Cullies, are preſently ſqueez'd, and obliged to give it up again, to the Cravings and inſatiate Demands of the rapacious Pandar.

And, in Truth, there is ſomething ſo ridiculous mixed with the Cruelty exercis'd by theſe Tyrants, over thoſe weak, defenceleſs young Women, who are inſnared by their Wiles, or driven into their Houſes by the uſual Conſequences of Innocence deſtroy'd, of Want, and of Infamy, that it is not foreign to the Subject, to prefix ſome Account of it, which may at once ſerve for Inſtruction, and to ſhew that there is not in nature a Wretch more the Enemy of Man, and Woman too, than thoſe who live by the Debauchery of one Sex, and the baſeſt, cruelleſt Oppreſſion of the other; ſo that treating them like Enemies to Mankind, is, perhaps, more illegal than immoral.

As ſoon then as one of theſe obſcene Foxes has, by any Means, decoyed one of thoſe poor, young, tender Creatures, into their Bawdy-Traps, the younger, the handſomer, the freſher, the more deſerving in ſhort of a better Fate, by ſo much the more is ſhe ſure to be nooſed, and intangled in his helliſh Snares, and the more Art is exerted to rivet her Chains. This is effected commonly by in-

indulging and humouring the giddy, wild, thoughtleſs Turn, natural to that Age, till he runs her up a competent Score, at any Rate, true or falſe, till he fixes a good round Debt upon her; the imaginary Terrors of which, keep her in a State of Slavery to him, ſcarce leſs cruel, and much more infamous, than that of a Captive in *Barbary*.

From thenceforwards ſhe is, Soul and Body, abſolutely at his Command; and it is eaſy to imagine what an Uſe ſuch a low-ſpirited Wretch will make of his Advantages.

Then, at his Nod, muſt that tender delicate Perſon of hers, once, probably, the Pride and Delight of a fond Parent's Eye, be given up, at Diſcretion, to the Luſt of every Ruffian who can afford the Price he ſets upon her, let his Perſon be never ſo loathſome and infectious, to be touzed, and rumpled, like a Bit of dirty Paper: Then muſt ſhe have no Eye for herſelf, no Paſſion, no Choice, no Motive in ſhort of Action, but to bring in Money to his Maw, by every Means of Lewdneſs, lying, cullying, and even picking of Pockets, (if to be ſafely attempted) and all this to earn a ſorry Subſiſtance, which too ſhe is conſtantly upbraided with; enſlaved in ſhort ſo thoroughly, that nothing, no, not her own Perſon, is her own Property, or at her own Diſpoſal.

Then,

Then, through the Ductility and Aptneſs of that Age to take all Impreſſions, eſpecially thoſe which flatter the Senſes, her Mind ſoon becomes tainted, and ſhares Corruption with her Perſon. Spirituous Liquors are reſorted to, and employed to keep her Head hot, and indiſpoſed to any Returns to Reaſon or Virtue; thus drowning all Memory of her former Condition, or Senſe of her preſent one, in, perhaps, no better than the *Gin-Lethe*.

She is beſides ſo haraſs'd, and over-aw'd, by the conſtant Terrors of a falſe Debt, tho' ſhe has, very likely, paid the Amount of it twenty Times over, that ſhe dares not reſent any ill Uſage, or leave her miſerable Refuge, whilſt leaving it might be of any Service to her. But, when ſhe is, by drinking, Drudgery of her Body, and Diſeaſes, torn to Pieces, in the Flower of her Age, and ſo broke that her Perſon grows out of Requeſt, and, conſequently, of no further Uſe to the Pandar, what is her wretched Cataſtrophe! She is either turned out to ſtarve in the Street, or, not ſeldom, ſent to rot in a Jail, on the firſt Quarrel he takes care to pick with her.

But, before this Period arrives, whilſt ſhe is at the Top of her Glory, favour'd by the Bawd in exact Proportion to her Favour with the Men, or rather to her Gettings by them, her Courſe of Life is the moſt miſerable and ſlaviſh that can be imagin'd, under a Taſk-Maſter,

Master, who puts out her Beauty to his own Uſe, and keeps herſelf, the Owner of it, at Rack-Rent.

Whenever then ſhe decoys or picks up a Cully, ſhe uſes all Arts to bring him to this her wretched Abode; there, putting on a forc'd and naſeous Gaiety, any, who have their Reaſon not entirely ſwallow'd up by Paſſion, might eaſily read through this outward Shew in her wild diſtracted Looks, how little ſhe is affected with the Man ſhe hugs, kiſſes, and embraces, whilſt his Money is her only Aim; and that, very often, not ſo much out of a mercenary View, as to ſatisfy the Exactions of the Houſe upon her; to promote the Good of which, as it is call'd, what Arts is ſhe not tutor'd and inſtructed to make uſe of? Is the Cully ſlow, or regardleſs of calling for the helliſh Liquors it affords? The poor Girl has her Cue to remind and preſs him, to poiſon himſelf, for the Benefit of the Bawdy-Keeper: Then is the amorous Cully to be plied with Port, repreſented by Cherry-Gin, or Arrack Punch, made with the vileſt *Britiſh* Spirits. This anſwers too a double End, of enflaming the Reckoning and the Spark, till the double Deſtruction of his Reaſon expoſes him to all Advantages that may be taken; as there is no Villainy they would ſtick at, but from a Fear

of the Gallows; and that is not always a Check powerful enough.

But, when the Cully is drained, and diſmiſs'd, how quick is ſhe call'd to a ſtrict Account, and even ſearch'd with the utmoſt Exactneſs, for her Gains; every Farthing of which is generally taken from her, towards the Satisfaction of her endleſs Debt? And if, wiſely, or taught by Experience, ſhe has ſunk any Part, by hiding it, ſuppoſe in a Pin-cuſhion, ripp'd and ſew'd up again, or in her Hair, (for tying it up in the Tail of her Shift is rather too ſtale to paſs) and is found out, it muſt be pleaſant enough to hear the conſcientious Pandar exclaiming, and crying Vengeance againſt her, for Perfidiouſneſs, and Breach of Truſt.

In the Day-Time, when the Buſineſs is not ſtirring, the Girls are kept within Doors, and out of Sight, ſome without Shoes, ſome without Stockings, or in a tawdry Bed-Gown, without a Shift, whilſt their only one is waſhing; till, towards the Evening, they are rigged out in ſome flaunting, tawdry, patch'd up Dreſs, from Remnants of Fripperers, and Old Cloaths Shops, juſt fit to allure and catch the Eye of a raw Prentice-Boy, a keen Country Bumpkin, or a Tar return'd from a long Voyage: Then are they ſent out on a Cruize in the Streets, or poſted at the Doors, where, like a Thornbuſh, they catch

catch at every Man that paſſes, and will hardly part with their Prey. By this Means, thoſe beautiful Creatures, for ſuch they generally are, born to be the Idols and Adoration of the Men, become, by this Forwardneſs and Cheapneſs, their Scorn and Contempt; often expoſed to the brutal Refuſal and churliſh Uſage of ſuch, as, without making Allowances for the Force of Neceſſity, and the Miſery of a State which, of itſelf is too ſevere a Puniſhment, forget the Reſpect and Tenderneſs due to their Sex; a Sex, which, if they diſhonour and expoſe, by Advances ſo contrary to its natural Modeſty, ſo contrary too to the very End they fall ſo low as to make them for, is often leſs the Crime of their Inclination, than that of their Circumſtances.

And in all Truth, were the Caſes of many, yes, the greateſt Part, of theſe fallen Angels, to be examin'd and canvaſs'd, they would be found infinitely more deſerving of Compaſſion than of Blame: Firſt, at an Age ill defended by Reaſon, they are expoſed to the Seduction of Men ſuperior to them at leaſt in Experience, and who employ all their Arts and Wiles to advance their firſt Fall, towards which Nature itſelf often co-operates ſo ſtrongly; then, glutted with Enjoyment, after having loſt them the Countenance and Regard of their Friends, baſely turn them adrift, in worſe than the Deſarts of *Arabia*, the

wide unforgiving World, which indeed has too often for its Excuſe, the Example of thoſe wicked Parents, who, on the Diſcovery of ſuch a Step, have often abandon'd their own Fleſh and Blood to all the Extremities of Want and Infamy, and yet have the Impudence to expect, from the Father of all Mankind, that Mercy they have denay'd to a Child, guilty of no more than a human Weakneſs.

How much then are theſe fair Caſt-aways to be pity'd, who perhaps were never bred to domeſtic Drudgery, or to get their Living by their own Hands, and are beſides at a Loſs for a Character, to be taken into a virtuous Family, even were they willing to reſort to Service, after their Heads are turn'd and unſettled! Aſham'd too of troubling Relations, and, what is often the Caſe, afraid to trouble them in vain, penyleſs and deſerted, what can they do? either ply in the Streets, in a comfortleſs vagabond Condition, or betake themſelves to the Receptacles of Lewdneſs kept by one of theſe Pandars, who never fail to finiſh the Corruption of their Body and Soul; inſomuch, that many an amiable Creature, who, but for the Baſeneſs of Mankind, was originally in paſs to be a virtuous Wife, a happy Mother, and a Bleſſing and Ornament of Society, becomes an infected gangreen'd Member, loſes all Senſe of Shame

or

or Principle, under the Tuition and Direction of these Miscreants; and ends at Length her miserable Life, either by public Justice, the Rottenness of Diseases, or the intrail-burning Fire of Spirits in a Gin-Shop.

This will serve to give an Idea, and most assuredly not a false one, of the Merits of these worthy *House-Keepers*.

Nor is it hereby meant to insinuate, that infamous and pernicious as their Profession is, they are totally out of the Protection of all Law. It is not even to be supposed, that, notwithstanding the general Odium and Contempt they stand in, and though they are rather unnotic'd than tolerated, for Reasons which all wise Governments will not be above respecting, that they are therefore to be robb'd, murder'd, or their Houses broke open, or rifled at Pleasure. No Injury should, strictly speaking, be done to any Man, in a Land where the Law is open; and what is done by Course of Law, is not Injury but Justice: But where a Profession like this, notorious for nothing so much as the Brawls, Quarrels, Noises, and Disturbances which it occasions, and which prove such Nusances to a quiet Neighbourhood, a Fellow who is used ill, or insulted, in Consequence of this Occupation, is the less to be pity'd, or entitled to Redress from the Law, because he not only lives in a constant State of Elusion,

or

or Contempt of the Law, but alſo in a Sort of State of Warfare with Mankind, preying on one Sex, and oppreſſing the other, and the weakeſt. Beſides, as no one can be ſuppoſed ignorant of the Conſequences of carrying on a Buſineſs ſo baſe and ſo villainous to the general Senſe of the World, ſuch as embrace it ought not to complain of the Injuries and Abuſe peculiarly annex'd to their infamous Way of Livelihood; and a Way of Livelihood which they not only were free not to chooſe, but were expreſsly forbidden, by the Law, to chooſe.

But as ſome have been either ſo weak, ſo ignorant, or ſo malicious, as to give this Expedition againſt the Bawdy-Houſes a criminal Turn, as if the Authors and Leaders of it had been actuated by that ſeditious Spirit which generally breaks out in Riots and Tumults, under the ſpecious and falſe Banner of Reformation, and as a Kind of Methodiſt Madneſs or Enthuſiaſm; a ſhort Review of the Manner of this Riot beginning, if a Riot it may be legally called, ſince the Proclamation for diſperſing was never read, will throw a clear Light upon the Whole, and amply acquit all the Parties concern'd of any ſo ſerious Guilt, as to deſerve, from their Intention at leaſt, to loſe their Lives ſo fooliſhly as did the poor young Man, who alone paid for all, unleſs one joins with him another Victim,

which

which died, perhaps a more cruel, though not ſo ignominious a Death, in *Newgate*, not improbably through the Conſequences of his Confinement there.

To the Point then. A Sailor who had, it ſeems, Reaſon to complain of ill Uſage, in a Houſe of ill Fame in the *Strand*, where he alledged his having been robbed of a conſiderable Sum of Money; and, before he proceeded further, he apply'd to the Keeper of the Houſe for Satisfaction of his Loſs; which was not only deny'd him, but accompanied with foul Language and Blows. A Man would be enraged at leſs than ſuch Provocation; and accordingly the honeſt Tar denounc'd Vengeance to his Houſe, and repair'd immediately to his Shipmates and Brother Sailors, whom he made acquainted with his Grievances, and by this Means became the original Author and Ringleader of the enſuing Diſturbance: For this Gentry, partaking of the Roughneſs of the Element they live on, and more us'd to go to ſhort-hand Work with their Enemy, than to proceed by Way of Copy of a Writ, or Bill and Anſwer, immediately eſpous'd his Reſentment, and reſolv'd to revenge the Cauſe of their injur'd Brother. Here was the plain and true Cauſe of the Beginning of this Tumult, and no other; not that it was ſtrictly juſtifiable, but it ſerves to acquit a Parcel of

brave

brave unthinking Fellows, of any premeditated Design to offer an Insult to his Majesty's Government, which their Body had been the greatest Support of, and which some of them had often ventur'd their Lives for.

Flush'd then with a Sense of the Wrong done, as they imagin'd, to one of their own Body, they got a Party together, and on the Evening of the First of *July* last, came to the House pointed out to them for that in which the Robbery or Injury had been committed; this they presently forc'd their Way into, and acting like true brave Fellows, suffer'd no Injury to be done to the poor Damsels, who got off safe and unhurt, but level'd all their Rage against the House and Goods of the Caitif, whom they look'd on as the Author of the Villainy exercis'd on their Brother Tar. Accordingly they went to work as if they were breaking up a Ship, and in a Trice unrigg'd the House from Top to Bottom. The Moveables were thrown out of the Windows or Doors, to their Comrades in the Street, where, a Bonfire being made, they were burnt, but with so much Decency and Order, so little Confusion, that, notwithstanding the Crowd gather'd together on this Occasion, a Child of five Years old might have crossed the Street in the thickest of them, without the least Danger.

The

The Neighbours too, though their Houſes were not abſolutely free from Danger of Fire, by the Sparks flying from the Bonfire, were ſo little alarm'd at this moſt bloody outrageous Riot, this terrible Breach of the public Peace, that they ſtood at their Doors, and look'd out of their Windows, with as little Concern, and perhaps more Glee and Mirth, than if they had been at a Droll in *Bartholomew Fair*, ſeeing the painted Scene of the renown'd *Troy* Town in Flames.

One venerable Matron indeed, by Name Mrs. *L*——, who kept a Cheeſemonger's Shop hard by, and who being a married Woman, had perhaps often ſeen with an evil Eye the Trade of thoſe Houſes: Whether ſhe herſelf had been a Party aggriev'd, or whether ſhe was only mov'd by the fierce Antipathy which all honeſt Women commonly have to theſe Smugglers, happen'd to clap her Hands, and expreſs her Joy too vociferouſly; which gave ſuch Offence to ſome of the Runners, Imps, or Supports of theſe Houſes, that ſhe had an Action brought againſt her for encouraging the Rioters, which it is ſaid ſhe is not yet clear of.

After the Demolition of the firſt Houſe was over, and not before, the Guards came, though the Head-Military Quarters (the *Savoy*) are not above a good Stone's Throw from the Scene of Action; and when they

did come, one might ſee their Countenances, by the Light of the unexpir'd Bonfire, a little caſt down and abaſh'd, at the Nature of the Service they were order'd upon: And indeed their Behaviour ſhew'd yet more, that they were not much in Earneſt about the Matter; for inſtead of making any Buſtle, to apprehend or ſecure the Ringleaders of the Riot, than which by the Way nothing was leſs difficult, they loiter'd about, rang'd themſelves on both Sides the Street, or ſtood very compos'd round the Remains of the Bonfire, as if that had been what they were ſent to Guard, and not the Bawdy-Houſes.

Now had this firſt Act of the Rioters appear'd in that Raw-head and Bloody-bones Light which has ſince been induſtriouſly caſt upon it, how eaſy, how obvious was it, for the Arm of the executive Power to have inſtantly aveng'd the Government, or at leaſt to have put an inſtant Stop to further Miſchief, on the humane Principle of preferring Prevention to Puniſhment? Two or three of the buſieſt and forwardeſt of the Actors laid hold of, and ſet to cool their Heels in the Stocks, under a ſufficient Guard, would have done the Buſineſs.

But if that was not a Puniſhment adequate to their horrid Crime, and that nothing leſs than Death was to atone for it, the Ringleaders of the Riot were the proper Objects

of

of Juſtice; their Haunts, their Perſons were diſcoverable to the very ſlighteſt Enquiry: They had made uſe of no Maſks or Diſguiſe; and indeed, whatever Guilt was chargeable on this Species of Cruzade, it was they who ought to have anſwer'd it, and ought to have been ſought out and ſecur'd.

But no! the Impunity or Neglect they met with in their firſt Attempt, begot a freſh one: The jovial Sailors imagin'd probably the Government look'd on their Frolic with the ſame Eyes that they did; and having got too high a Reliſh of the *Fun*, as they call'd it, the Demolition of one of theſe Dens was not ſufficient to ſtay their Stomach, now it was ſo well *up*; and accordingly, on beating their Retreat the firſt Night, they declar'd loudly their Intention to return the next Day, and overhaul all the like in the Neighbourhood.

On this Alarm, a Guard of two Soldiers was obtain'd a few Doors from the firſt Houſe: The Tars, who ſcorn'd to be worſe than their Words, return'd the very next Day, about Nine on *Sunday* Evening, and in Sight of the Guards of *Somerſet-Houſe*, to ſay nothing of thoſe of the *Savoy*, which are ſcarce an hundred Yards from it, they got into the Houſe, and play'd exactly the ſame Game as at the firſt, without ſo much as the leaſt Interruption, till they had full timely Notice to get off before the Guards arriv'd, who came as before

ſo late, that one would have been tempted to imagine they came too late on purpoſe.

A regular Bonfire then having been made as before, all the Goods of the Houſe were triumphantly convey'd into it; and if the finding of Bundles and Effects on any of the Actors would have aggravated their Guilt, Numbers might have been ſeiz'd with the Goods upon them, between the Houſe and the Bonfire, where they were all carefully deſtroy'd, to avoid any Slur or Suſpicion of Pillage for private Uſe. This was carry'd to ſuch an Exactneſs, that a little Boy, who perhaps thought no great Harm to ſave a gilt Cage out of the Fire, for his Bird at Home, was diſcover'd carrying it off; when the Leaders of the Mob took it from him, and threw it into the Fire, and his Age alone protected him from ſeverer Puniſhment. Nothing in ſhort was imbezzled or diverted, except an old Gown or Petticoat, thrown at a Hackney Coachman's Head, as a Reward for a dutiful Huzza as he drove by.

As to the Neighbours, who were at their Doors and Windows, ſeeing the Whole without the leaſt Concern or Alarm, there was not probably one of them who, though as good and as loyal Subjects as any his Majeſty has, and as well affected to the Peace and Quiet of his Government, imagin'd or dream'd there was any Spirit of Sedition or

riotous

rioteus Deſigns, in all theſe Proceedings, beyond the open and expreſſed Intention of deſtroying thoſe obnoxious Houſes: And tho' the cooleſt and ſenſibleſt doubtleſs thought the Joke was going too far, and wiſhed even that the Government had interpoſed ſooner, and leſs faintly; yet they had not the leaſt Notion of any ſuch extraordinary Meaſure of Guilt in their Proceedings, as would affect Life or Limb.

One grave portly Man indeed there was, who, for all his Solemnity of Face, and ſanctimonious Air, lay under Suſpicion of keeping no better a Houſe than he ſhould do, who in the Fury of his Zeal cried out, that he hop'd to ſee them all hang'd at *Tyburn*; *for, G—d Z—ds*, (ſays he, and ſwore on this Occaſion, who was never heard to ſwear before) *who knows whoſe Houſe they may call a Bawdy-Houſe next, and down with it?* Thoſe whoſe Conſcience was clear, heard and laugh'd at him; but little did they expect to ſee his Wiſh in part accompliſh'd.

However, as ſoon as theſe Rioters had diſpatch'd this laſt Houſe in Form, they march'd on in a Body, with a Bell ringing before them, towards the next, kept by the virtuous and laudable Mr. *P. W.*

Now ſeveral Gentlemen who were, upon perſonal Accounts, Enemies to the Bawdy-Houſes, and bore Malice againſt them for thoſe

Fa-

Favours they had receiv'd in them, which they had been oblig'd to let the Surgeons into the Secret of, were highly delighted at ſeeing the Expedition go forward, and which had to them the Merit of a holy War. Theſe then addreſs'd the Ringleaders, and offered them Money to make the Storm fall where they wanted it, and to go in ſhort to work with ſuch Houſes as they would point out to them, in order to revenge their reſpective Injuries.

But the Bell-weathers of the Hoſt, to ſhew that they did not act upon mercenary Views, proceeded in their own Courſe, in Scorn of all Bribes, and would not ſtir an Inch out of their Way for any dirty Conſideration.

Accordingly they came to the *Star* *, an Houſe the former Keeper of which had been hang'd out of, for Over-Induſtry in keeping two Trades a going at once, that of a Highwayman and Cock-Bawd; ſo that it was at leaſt a Houſe of ill Omen; for it might perhaps be taking too great a Liberty, to ſay it was a Houſe of ill Fame. But be that as it may, it was put on the Footing of ſuch, and the Mob proceeded in their ſummary Way, to do the Work of a Number of fruitleſs Preſentments; and notwithſtanding all the Humiliations and

* The Houſe kept by *P. W.*

Offers

Offers of Money from Mr. *P. W.* for the Ranſom of his *innocent Houſe*, they were equally deaf to his Entreaties, and Proof againſt his Bribes.

Now it is to be obſerv'd, that whilſt the Sailors were conducting this Execution of their Scheme againſt the Bawdy-Houſes, Numbers of thoughtleſs giddy People, young and old, with more Mirth in their Heads than Malice at their Hearts, had join'd them, probably taken with the Humour of the Thing, and thought demoliſhing a Bawdy-Houſe was no ſuch bad Joke, eſpecially as there were ſeveral well-dreſs'd Gentlemen who ſpirited and encourag'd their Proceedings, ſome offering Money, as before mention'd, with little Thoughts, it is to be preſum'd, of abetting or encouraging a Capital Crime.

Too fatally for *Boſavern Penlez*, he was one of thoſe who fell in with the Stream, and being a little fluſtered with Liquor, was the more heated and imprudent in his Management. But to give the moſt impartial View of the Tranſaction, we refer to the Account of the Trial publiſh'd in the Seſſions-Paper, and to the actual Dying-Speech of *Penlez*, and the intended one of *John Wilſon*, who was try'd and condemn'd to die for the ſame Crime, but repriev'd the Night before Execution-Day *.

* He has been ſince moſt graciouſly pardon'd.

The

The Reader may then compare the Depoſitions of the Man who hang'd one, and was near hanging more, upon this Occaſion, with the dying Declarations of two Men of unblemiſh'd Characters, and from thence collect the Meaſure of the Veracity and Credibility on both Sides.

But before we proceed further, it is neceſſary to clear up, as far as the Nature of it will admit, the Circumſtance of this miſerable Bundle, which was it ſeems ſtarted but a Day or two before the Execution, and which was, as it is ſaid, *the great Means of preventing Mercy from being extended to this unhappy young Man*; for was the Guilt of Theft deſervedly to be imputed to him, it would no Doubt juſtly leſſen, if not wholly take off, the public Commiſeration of his Caſe; whereas, if undeſervedly caſt upon him, it would double it, from this Conſideration, that it is rather too much to take away a Man's Life and his Character too.

It appears then plainly, that no Notice, not even Shadow of Notice, was taken of this Bundle at the Trial; and ſurely, whoever firſt ſtarted it, or made Report of it, to aggravate the Diſtreſs, and increaſe the Danger of a poor Creature under Sentence of Death, and lying at the Mercy of his Majeſty, was not overloaded with good Nature, or common Humanity. He ought, at leaſt, before he was

ſo

ſo officious as to throw this Block in the Way of the young Man's Interceſſion for Life, to have verify'd the Thing ſo clearly, as not to leave himſelf any Room for After-Reproach, for having occaſion'd the Death of his Fellow-Creature.

When then this Bundle was objected to him, it appears that he was perfectly ignorant, as well he might in ſuch a Hurlyburly and Confuſion, himſelf too diſorder'd with Liquor, how ſuch a Thing came into his Hands: And indeed there was a more likely and plauſible Reaſon for its coming into them, than what he himſelf conjectur'd, which was, that all of the Mob who enter'd thoſe Houſes, after demoliſhing the Doors and Windows, ſeiz'd the firſt Moveables that came into their Hands, not by Way of Theft or Pillage, not by Way of ſaving them out of, but of ſecuring them to be thrown into, the intended Bonfire. There were accordingly Numbers who might have been, with a little more Diligence, ſeiz'd by the Guards, under the very ſame Circumſtances, and who certainly were nothing leſs than Thieves.

If to this Suggeſtion is added the unblemiſh'd Character of the young Man, ſupported by a Cloud of Atteſtations, the Suſpicion of Theft will utterly vaniſh, or be rank'd only amongſt the other Severities of his hard Fortune.

And indeed the worthy Jurymen, whoſe Unacquaintance with the real Springs of this Tumult, with the Suddenneſs of the Engagement of *Boſavern Penlez*, with the abſolute Innocence of *Wilſon*, who aſſiſted only amongſt Numbers of others drawn round the Houſe by Curioſity only, or by Fear that a Bonfire ſhould be lighted in that narrow Part of the Street; the worthy Jurymen, I ſay, whoſe Unacquaintance with the favourable Side of the Queſtion, too little inſiſted on in their Defence, whilſt *P. W.* was miſleading them by a pathetic Picture of himſelf and Family, almoſt expiring under Blows that were never ſtruck *, and wrong'd by Robberies neither intended nor committed, drew their Verdict from them on the Appearances of the Fact to them, in too criminal a Light: When they heard of the Uſe made of this Story trumped up of a Bundle found upon *Penlez*, in Bar of Mercy, they had the Goodneſs to form and forward a Repreſentation, tending to invalidate any ill Effect from this Charge of Theft, ſo much out of Time and out of Place, ſince nothing of it appeared to them at the Trial: But unfortunately without Effect. *Wilſon* had good Friends, that ſtood him in more Stead than all his Innocence; and as ſome Colour was better than none, to grant only *one* Life, when *both* were equally

* See *Penlez*'s Dying Declaration.

ſolicited

ſolicited for, the Bundle was it ſeems the Objection made uſe of, and thrown into the Scale for Make-weight, ſince his Guilt in other Reſpects ſeemed very light and pardonable, by the Number of People of all Ranks and Conditions, who either ſolicited or intereſted themſelves for his Fate, and who, it is moſt probable, not only deteſted the Crime of *Riot* and *Inſurrection*, as much as the moſt ſanguine of thoſe who were for ſhedding his Blood, but thought they could not do the Government better Service, than by their humane Inſiſtence on an Opportunity of gratifying the Public, with ſo popular an Act of Clemency.

Let us now ſuppoſe thoſe two young Men, after a two Months Confinement in *Newgate*, which is of itſelf no ſmall Puniſhment, brought to the Bar; ſuppoſe them ſeriouſly and formally arraigned for their Lives, and no Doubt looking very ſilly on the Occaſion; and it would not be quite unnatural to think, that the Law, inſtead of putting a ſtern Brow on them for violating it, would, in Favour of the Innocence of their Intention, have taken their Cauſe under its Protection, and become its Advocate with itſelf, ſo far as even to rid them and their Friends, as ſoon as poſſible, of any fatal Apprehenſions upon their Account.

No body who knew the Circumſtances of the whole Tranſaction, could imagine that two honeſt Subjects, who earn'd their Livelihood by their lawful Induſtry, would be deliver'd up to the Rage and Malice of a Wretch, who was told to his Face in open Court, by a ſubſtantial Tradeſman, who was employ'd moreover in an Office of Truſt, that he would not hang a Dog or a Cat upon his Oath; of a Wretch too, who appears by the very Minutes of the Trial, to have ſworn poſitive expreſs Actions againſt a Man, one *Lander*, who was acquitted on his proving that he was not, nor could not, actually be in the Houſe at that Time, nor till after the Fray was over, when he went in even with the Soldiers ſent thither to guard the Houſe. But where was the Wonder or Improbability of his ſwearing *any Thing*, and againſt *any Body*? Was it his Conſcience, his Morals, or the Tenderneſs of his Character, that was to awe or check him in his Evidence? Or was it not more probable, that bloodthirſtily determin'd, at any Rate, to fix his grievous Complaint *ſomewhere*, and ready to run at every one, like a mad Dog, he was very indifferent who it was he hang'd by his Oath? ſince whoever he hang'd, if he was but an honeſt Man, ſtood in the Light of an Enemy to him.

To

To this Keenness of Revenge may be attributed his seizing the first that were offer'd, or laid in the Way of it, whom the staunch hard-mouth'd Hound immediately fastened upon, and hunted some to Death, some to the Gates of it.

This will plainly appear on a Review of the Trial itself, when *John Wilson*, *Bosavern Penlez*, and *Benjamin Lander*, were arraign'd, and two of them convicted of a Capital Crime, for beginning the Demolition of the Dwelling-House of *Peter Wood*, &c. upon the Evidence of this Fellow: For that of his Wife, or No-Wife, as well as that of the Waiter at such an House, are here little taken Notice of, as being not so much as next to nothing.

Neither shall we here say more of the Fate of the Person who died in *Newgate*, under Confinement for the same Charge. It is true, he might have died equally out of it; but it is more probable that the Jail-Sickness, Vexation, Terror, and Change of his own Abode, for that dismal one, forwarded his End, and scor'd up one Life more to the Account of the worthy Mr. *W.*

But as to *Lander*, the Case is as follows: He was indicted, together with the other two, in the *September* Sessions, "for that "they, together with divers other Persons, "to the Number of Forty and upwards, "being

" being feloniously and riotously assembled, " to the Disturbance of the Public Peace, did " begin to demolish the House of *Peter* " *Wood*, against the Form of the Statute in " that Case made and provided, *July* the " Third."

Against *Lander* he swore, that " he was " in the Passage of his House, assisting to " break the Partition: — That that was " the first Time of his seeing him: — That " he broke the Window of the Bar with his " Stick: — That he (*Lander*) was taken up " Stairs."

On a Cross-Examination he own'd, that he did not see *Lander* at the first coming up of the Mob to his House; but he stuck fast to his seeing him in the Passage. *N. B. Half an Hour* before the Guards came up.

The Woman who passed for *Wood*'s Wife, and may be might be so, swore, that *Lander* knock'd her down, and that she was beaten almost to a Jelly.

Lander, in his Defence, prov'd, that between Twelve and One that Night, he was going Home directly to his Lodgings, from a Company that had not so much as heard of the Riot: — That some of that Company went Part of the Way Home with him: — That in their Way they met with a Soldier, who told him that they were going to disperse a Mob in the *Strand*, and that it

was

was the third Time * they had been doing it that Night:——That he, *Lander*, ſo far from having any Notion of joining the Mob, went into a Public-Houſe, and treated this very Soldier, who was one of thoſe ordered to ſuppreſs it;——That he went on, fair and eaſy, with (*N. B.* not *before*) even the ſecond Party of the Guards, who purſuing the Mob towards *Temple-Bar*, he went innocently into the open Houſe, to ſee the Miſchief which had been done to it. And in order to ſhew how favourable Providence was to him, the Soldier who, returning from the Purſuit, collar'd him, under the Notion of his being a Straggler left behind, of thoſe concern'd in the Demolition of the Houſe, was the very identical Soldier whom he had the Inſtant before treated with a Pint of Beer; and therefore he (*Lander*) could not be guilty of thoſe Facts ſworn ſo poſitively againſt him by *P. W.* and his virtuous Conſort, as he was not ſo much as near the Houſe before the Demoliſhers of it were actually gone and diſpers'd, at the Approach of thoſe very Guards, one of whom he was in Company

* Which, obſerve, was more a Proof of the Faintneſs and Remiſſneſs they had all along hitherto acted with, than of the Obſtinacy of the Mob, who look'd on their Tardineſs and languid Oppoſition, as a Sort of Connivance at leaſt, if not Permiſſion, to puſh their Frolic as far as they pleas'd.

with,

with. This glaring Circumſtance, ſworn to by the Soldier who ſeiz'd him, which prov'd at leaſt the Uncertainty, to ſay nothing worſe, of *P. W*'s Evidence, acquitted indeed the Man, after ſuffering two Month's Impriſonment, and the Terrors attending all Hazard of Life; but did not, it ſeems, ſufficiently weaken the Authority of *P. W*'s Teſtimony againſt the two others.

For as to *Wilſon*, *P. W.* ſwore, that he ſaw him fall to breaking the Partition between the Paſſage and the Parlour: That after he, *P. W.* was knock'd down, and lay for dead, he was one of thoſe who ſaid, *You Dog, are not you dead yet?* and whoſe Hands he kiſs'd, and begg'd for Mercy: That he remember'd this *Wilſon* particularly, becauſe of kiſſing his Hands. His pious Wife, who confirm'd all theſe Circumſtances, being interrogated how ſhe came to know him by his Face, anſwer'd, *I held him by the Face, and ſtroaked him.* The Waiter too clench'd the Teſtimony, by ſwearing, that he too had ſeen this *Wilſon* in the Parlour, as the Settee-Bed * was going to be thrown out, help to lift the Bed out.

* The ſeeing the Settee-Bed condemn'd to the Fire, is a very moving pathetic Circumſtance, if one conſiders how dear to all Tradeſmen the Inſtruments they get their Livelihood by, muſt be.

Now

Now unfortunately for poor *Wilſon* he had treated no Soldier; he had No-body at hand to prove a Negative, againſt the point-blank Oaths of three thorough-pac'd Evidences, the Weight however of all three of whom put together, one would have thought lighter than Air, in a Caſe where five Farthings ſhould be at Stake, much more the Lives of honeſt Men. *Wilſon* brought indeed Numbers to his own Character, whilſt that of *P. W.* was, by Confeſſions drawn from his own Mouth, by his ſcandalous Shufflings and Prevaritations, about his Property in the Houſe, fairly expos'd, and appear'd in its true Colours. His Houſe was not ſo much as held in his own Name, but in that of one *Thompſon*, whom he employ'd to cut the LADIES Hair in the Parlour.

Now if the impartial Reader will pleaſe to recollect the Subſtance of this *Wilſon*'s Dying Declaration, deliver'd as ſuch before Notice of his Reſpite, wherein he not only gives an Account how he ſpent the Day, till the Time of his being falſely apprehended, but avers, on the Faith of a Dying Man, that he was not ſo much as in the Houſe, till he was arbitrarily ſeiz'd and taken in by a buſy Soldier: ——That as ſoon as *Wood*'s People ſaw him in the Houſe, they ſwore to him as currently as if they had known him from an Hour old. If the Reader pleaſes too to allow for

the Difference of Characters, the one *P. W*'s, ſuch as has been above ſhewn, the other an induſtrious honeſt Tradeſman, of untainted Reputation; the Difference beſides of Situations, the one that of a gaunt eager Evidence in his own Cauſe, the other that of a young Man of a virtuous Education, at the Point of Death; and it may be preſum'd there can be no Room for Heſitation which Side to give Credit to.

Then as to his being about the Houſe when he was ſeiz'd, ſo far from its proving any Concern with the others, who had really join'd in the Demolition of the Houſe, it was rather a Preſumption to the contrary: For thoſe really concern'd had all retir'd at the Approach of the Guards, of which they had ſufficient Warning; whereas thoſe who were aſſembled round as mere Spectators, and againſt whom there was no Law to hinder their being ſuch, unleſs a Proclamation had been read, in vain, to diſperſe them, ſtood loitering about, and gaping at the Novelty: And if *Penlez* ſeems an Exception to this Allegation of all that were concern'd, having withdrawn before the Guards came, it may be eaſily ſolv'd by the Conſideration, that, ſtupify'd by Liquor, and the Heat of what he had been about, he had not taken the Care of his Safety, that the reſt had done.

There

There was beſides one Circumſtance extremely favourable to *Wilſon*, which was, that, thro' the Interceſſion of good Friends, he was, though his Caſe was ſince treated as Capital, admitted to Bail, which he accordingly ſav'd harmleſs by appearing to his Trial, where he was convicted, doom'd to die, and eſcap'd the Execution of his Sentence ſo narrowly, notwithſtanding all the private and public Intereſt ſtrongly made for him, that his Reprieve came to *Newgate* but the Night before Execution-Day.

Now as to *Boſavern Penlez*, whoſe hard Fate it was to pay for all, the Evidence of *P. W.* againſt him might be, and it is hardly a Breach of Charity to ſay it was, equally falſe and unreceivable: For to ſay nothing of the little Probability there was of his being able to ſwear with any Degree of Certainty to a particular Perſon, whom he had never ſeen in his Life before, amidſt the Hurry and Confuſion of ſuch a Scene, was it not great Hardſhip for the Life of the meaneſt of God's Creation to turn upon the Words of a Wretch fit to taint the Air he breath'd in?

By the Dying Confeſſion indeed of *Penlez*, it appears, that he really was in the Houſe, and drawn in quite unpremeditately to join in this fatal Frolick. But this candid Confeſſion makes not one Jot the more in Favour of *P. W*'s Veracity or Credibility.

What he ſwore againſt this *Perdew*, he ſwore with equal Stiffneſs, and with little Variation, againſt *Lander* and *Wiſon*, who were both perfectly innocent; ſo that, though *Perdew* was in Fact and Truth concern'd in the Beginning of the Demolition, which he was try'd and loſt his Life for, *P. W.* was, in all human Probability, no farther in the right, than as a Liar may by Chance tell a Truth, and lie at the ſame Time, from not knowing that it was one, or from believing it not to be one.

But be that as it may, nothing is more certain, than that the Law always conſiders the Circumſtances and Spirit an Act is committed with, as much at leaſt, if not more, than the Act itſelf, abſtracted from them. Thus the Crime of Murder itſelf depends on the *quo animo* it is done with, and is often totally purged, and almoſt always pardon'd, where it is proved to have been committed with no murderous or deliberate Intention: And it is to be preſum'd, that few will puſh the Want of all Candour and Humanity ſo far, as to maintain, that this unfortunate Perſon went into this *Riot* (ſince *Riot* is the Word that the Approvers of his tragical Fate have got by the End, and found ſo high againſt him) with a *riotous* Intention to break the Public Peace, or fly in the Face of the Government. Alas! poor young Man! ſuch a Thought pro-

probably never once enter'd his Head; and might have sav'd his Life if it had, by giving him a Hint or Glimpse of Guilt, which would have shewn him, by the Light of it, Danger enough in what he was going about, to have kept him from it; or suggested to him to secure himself in Time. Thus it is no Paradox to say, that, probably, had he been less innocent he had been more safe: But he was unluckily a little flustered, and drawn in by seeing such Numbers at work, with great Mirth and Jollity, in so open and bare-fac'd a Manner, as if they had thought that the Guards, if they came, would sooner defend *them* than the *Bawdy-Houses*, or at least wink at their Escape. And indeed there were engag'd in this Expedition many of greater Age, Consequence, and Knowledge of Things, than this unthinking Lad, and who had fallen in with the Humour, and partook enough of the *Fun*, as they call'd it, to have furnish'd a higher Feast for *P. W*'s Revenge, if some of the Soldiers could have got at them, to haul them in, and lay their Lives at the Mercy of *P. W*'s Oath.

In short, whatever Excess the Sailors carried their Frolick to, and in Truth they carried it into indefensible Lengths, this young Man was hardly chargeable with their Guilt, who only joined them for a Moment, and was hurried into it by the Force of Liquor of

and

and Example. Beſides, that the very Sound of ſtorming a Bawdy-Houſe carry'd nothing in it ſo extremely awful: And that *Sound* is not of ſo light Weight, may be collected from the Efficacy of the Word *Riot*, towards taking away this young Fellow's Life, when there was ſo little more than the Sound of it againſt him, if Intention at leaſt may be allow'd to extenuate, if not annihilate, his Crime.

There is beſides another Conſideration, which one would imagine would have weigh'd moſt with thoſe who profeſs the moſt Reſpect for the Laws, and who have cried out the loudeſt on this Occaſion, that all would be loſt, and degenerate into Confuſion and Miſrule, if this Sacrifice was not to be offered up to them; and that Conſideration is, that this very Sacrifice would naturally beget odious Compariſons between the tragical Iſſue of this Riot, and the Impunity of a recent one, and a Riot in Form, with Circumſtances that cry'd yet louder for the Cognizance of the Law, than the one for which poor *Penlez* ſuffer'd: Every one at this will eaſily recollect the laſt famous Riot at the *Haymarket*, where the Preſence of a Prince of the Blood could not reſtrain Gentlemen, who thought themſelves ill uſed, from venting their ill Humour and Reſentments on the harmleſs Houſe, Scenes, Benches, *&c.* the Property

too

too of one of the moſt inoffenſive Men breathing, Mr. *Potter*, the Owner of the Houſe, and who had not the leaſt Hand or Share in that memorable Impoſition: A Man in ſhort, whoſe Character it is rather taking too great a Liberty with, to mention it in any Degree of Compariſon with that of *P. W*'s, whoſe Wrongs were however ſo differently treated, that where the firſt had not ſo much as civil Amends, that the Public at leaſt was made acquainted with, the other had no leſs than the Blood of one, or more, in Atonement for his.

It is not that by this Mention of the *Haymarket* Riot, it is meant to inſinuate, that the Beginners of it were guilty of any Capital Crime; far from it: All that is contended for is, that this young Man, to all Appearance, was at leaſt as innocent of one as they were, unleſs it is a more ſacrilegious, a more unpardonable Outrage, to demoliſh a Bawdy-Houſe than a Play-Houſe. How came it then that one Riot ſhould be entirely paſſed over, without the leaſt Degree of Puniſhment, where the Circumſtances were ſo much more grave, and obnoxious to the Cognizance of Juſtice, whilſt thoſe concern'd in the other, which it is not eaſy not to look on in a ludicrous Light, were thought to deſerve, and made to feel, the ſevereſt Rigour of the Law? Thoſe who do not care what they ſay,

ſo

ſo they ſay ſomething, in Defence of the Wrong they have once adopted the Defence of, will anſwer, that the Impunity of one Riot being follow'd by the Commiſſion of another, it was the more neceſſary, the more expedient, to begin at length the ſetting ſome Example towards preventing the like for the future. This might indeed paſs, was there not a much ſuperior Regard due, in Practice, to a political Aphoriſm; than which not one is ſtrictly truer, than that nothing begets a greater Contempt or Irreverence to the Laws, than the partial Adminiſtration of them; and above all, when that Partiality is ſeen, to run with too ſtaring a Bias in Favour of the Rich, in Contra-diſtinction to the Poor.

The Public then, ever unfavourable to whatever has the leaſt Air of Hardſhip to the latter, and always more juſt in the Groſs than in Detail, cannot doubtleſs, (where there are ſo many concurrent Pleas beſides for Compaſſion, ſuch as Youth, Inconſideration, and eſpecially the young Man's not being in the leaſt a Party to the Beginning of the Riot) but hold it hard Meaſure to him, the making ſo eſſential a Difference in his Diſfavour, from the total Neglect which had been obſerved on the other Occaſion, but where there happen'd to be People of a ſuperior Rank and Figure of Life engag'd; but a Difference which neither Law, nor com-

mon Humanity, ſeem to give much Grace or Authority to.

Some too there have not been wanting, ſo egregiouſly weak or malicious, as for Want of, or in Defiance of, common Senſe, to put the Caſe of this young Man on a Footing with that of the *Briſtol* Rioters; which ſeems not incomparably wiſer or juſter, than putting the Caſe of a Man travelling the Road on Horſeback, on a Level with that of a Robber upon it, becauſe, forſooth, *they both go upon the Highway*. Every Perſon of common Candour will eaſily ſtate to himſelf the eſſential Difference between a Number of People aſſembled deliberately, and with ſet Purpoſe to break the Laws of the Land, and to offer a moſt audacious Inſult to Magiſtracy, and a ſilly unthinking Lad, paſſing innocently, and all of a ſudden drawn in by the Example of Numbers, to join a Mob already got together to deſtroy a Bawdy-Houſe; the Popularity of which might eaſily blind one of his Age, and in his Condition of Head, a little heated with Liquor, to any ſuch tragical Conſequences, as he ſince wofully bought with his Blood the Experience of.

To reconcile then the Execution of a Sentence, which moſt People imagin'd was never meant to be carry'd farther than frightning the Parties to the Reſpect due to the Judgment of thoſe to whom it is impoſſible

to pay too much Reſpect, it muſt be ſuppos'd, that there was ſome great and mighty latent Cauſe, that forbad the ſhewing of Mercy, where Mercy ſeems ſo much due, that it might even deſerve the Name of Juſtice; ſome Cauſe above the Reach or Comprehenſion of thoſe vulgar ordinary Underſtandings, which compoſe that common Senſe of Mankind, which has not been a little *hurt* on this Occaſion.

For as to any Satisfactions due for the grievous Damages ſuſtain'd by that great Patriot *P. W.* one would imagine, that if, inſtead of ſacrificing a Life to his Revenge, which there is no repairing the Loſs of, the Law had made a Compoſition with him, to wink, as before, at his repairing the Damage done to his Effects, by the ſame Way as he had got them, he would not have had much Reaſon to complain of any Injuſtice done him.

Then as to the ſhedding the Blood of this young Man for the Example-ſake, without Regard to the Degree of his Guilt, there is Room to think, that his Death will be no more for the Good, than it was to the Satisfaction, of the Public; and that for a plain and obvious Reaſon; becauſe ſuch a Severity being too much for the Nature of the Guilt actually chargeable on him, will ſerve rather to confound and deſtroy all Ideas of Right

and

and Wrong in the Minds of the People, who will be too apt to mix the Remembrance of the general Pity and Compaſſion for his Fate, with the Crime he ſuffer'd for, a Remembrance very fit to weaken their Apprehenſions and Deteſtation of the Crime itſelf; and when the Apprehenſion of an Act, as a Crime, is weaken'd or taken off, the Fear of the Puniſhment is but an inferior Reſtraint, and may only produce more guarded, ſullen, fierce, and dangerous Proceedings in thoſe Tumults, which the ſame Levity of the Populace that gives Riſe to them, would probably otherwiſe of itſelf put a Stop to; and which, it is often more true Wiſdom than Weakneſs in a Government to wink at, eſpecially when there is no Reaſon to treat them as Breaches of Reſpect to itſelf: And indeed, as hot-headed, wild, and impetuous, as an *Engliſh* Mob, when it is *up*, appears to be, there is, generally ſpeaking, ſuch a Bottom of natural good Senſe diffus'd through the common People of *England*, that the leaſt Exertion of legal Authority will ſerve to check their Fury, or, of itſelf, ſet Bounds to it, as it mixes with their Management a Spirit of Equity, Moderation, and even good Nature, unknown to the like popular Inſurrections in other Countries, and is perhaps one of the beſt Proofs of the peculiar Power of Liberty, to inſpire gentle and governable Sentiments.

But was even this Example to ſtrike the intended Terror into the Hearts of the People, it is not quite clear that this Extinction of their Fire is a Point ſo deſirable. It is but too ſenſible a Complaint, that the Spirit of the *Engliſh* is already too much broke, ſunk, and declin'd from its antient Manlineſs; ſo that ſuch a farther Subdual of it might lower and deaden it, ſo as to leave inanimate the Body of the People, and bury it in univerſal Indolence, Stupidity, and Careleſſneſs; than which there cannot ſubſiſt a ſtronger Symptom of the approaching Diſſolution of a free State, thus previouſly diſarmed of no contemptible Part of its Vigour and Defence.

Beſides, the Mob is generally ſeen on the Side of Liberty and Property; and every Body knows, that it is on thoſe Principles, and more glorious ones there cannot be, that the preſent Family is eſtabliſh'd on the Throne. And ſhould even thoſe ſacred Words be ever ſo far abus'd, as to raiſe or revolt the People againſt its Government, their natural common Senſe would ſoon open their Eyes on their Deception, and bring them back to Order and Submiſſion.

That all Mobs too ſhould not be put on a Footing, nor involved in one indiſcriminate Condemnation of Riot, let thoſe ſtand up and atteſt, who made their firſt publick Entry into Power at the Head of one.

An-

Another Conſideration, which one could not have imagin'd would have wanted its Weight towards ſaving the Life of this poor Creature, was the general Senſe of the People, manifeſted by the Crowds that ſigned a Petition, for the Lives of *both* the condemn'd Parties, to the Number of above eight Hundred, and which might have extended to more Thouſands, had either the Time permitted to collect their Signatures, or any Neceſſity ſeem'd to require it; ſo diffus'd was the Opinion of their having a Title to a milder Fate.

Several Gentlemen of Rank and Credit, accompany'd by a Reverend Divine, went in a decent ſolemn Proceſſion, all dreſt in Black, to deprecate the Execution of the Sentence; but, though it ſeem'd full obvious to think, that ſo many Perſons of Worth and Honour would ſcarce have put themſelves to ſo much Pains and Expence, for any Thing leſs than a Cauſe which is common to all Men, the Preſervation of innocent Lives. An Interceſſion which might have been yielded to, without Weakneſs, even in the Caſe of more enormous Crimes, failed in that of the Appearance, rather than the Reality, of a very venial one. Some deep abſtruſe Reaſon of State, in ſhort, prevailed over an Occaſion of gratifying large Bodies of Men, and indeed, the whole Town in general, with one of the moſt popular Exertions of the nobleſt Prero-

gative

gative Power of the Crown, that could be, and probably will not in Haſte, be put in its Power again, if this ſhould prove the Example to Juries that it may be preſum'd it will.

For as to the Jurymen, who gave the fatal Verdict on the firſt Face of Things, and in the Idea that they were only ſatisfying the Form and Letter of the Law, upon an Occaſion that exacted that Example, for the Sake of a greater Good, than the truſting the Lives of the two condemn'd Perſons to the Mercy of the common Father of his People could ſeem an Evil: Nothing is plainer, than that they would have been greatly pleas'd with a Remiſſion of the Conſequences of their own Verdict. They were even at the Inſtant of paſſing it, and thereby letting thoſe Lives out of their Hands, ſo ſenſible that the Spirit of the Law, which breathes nothing more ſtrongly than the Protection of the Life of Man, requir'd no ſuch deep Atonement for purely a Lapſe of youthful Imprudence, that they were ſo good, on the Spot, to recommend *both* thoſe unhappy Objects to Royal Mercy. And indeed, not without a Shew of Juſtice; for, conſidering the Hardſhips and Terrors of the long Impriſonment in *Newgate*, of one at leaſt, and the natural Anxieties of both themſelves and Friends, had they

they ſuffer'd no more, there are few but would own they had ſuffer'd enough.

But theſe worthy Jurymen, not content with their Recommendation to Mercy from their Station in the Court, on ſeeing Things in a more diſtinct and clear Light than what it was urged to them from *P. W*'s Evidence, they join'd in a Proteſtation, as before-mention'd, againſt the ill Effects which the Story that was afterwards trump'd up of the Bundle, might have towards intercepting *Penlez*'s Pardon; and in ſhort, did and ſaid every Thing which became Men of too much Senſe and Honour, not to be ſuperior to the falſe Spirit of Perſiſtence in the wrong Side of a Queſtion. And indeed, it muſt not be their BETTERS that perſiſt in it, as ſurely there is much greater Dignity in owning a Miſtake, than in a ſtiff ſtern Defence of it. To ſay that a Man has been miſtaken, is to ſay no more than that he is a Man; but to ſubjoin that he own'd ſo much, is to ſay that he is much more than the ordinary Run of Men.

People may, if they pleaſe, treat the Loſs of a ſingle Life as a Thing of little Importance; but without envying them their Hearts, one cannot too much pity their Heads on this Occaſion, eſpecially if one conſiders ſuch Numbers of almoſt all Conditions, to which this young Man, from the Nature of his Caſe, became more or leſs related; that, not

im-

Improperly, might his Cauſe be called that of Mankind in general.

The Sailors are naturally a bold, brave-ſpirited, generous Set of People; and it could not be very eaſy of Digeſtion to them, to ſee a Life forfeited in *their* Cauſe, or pay *their* Reckoning, ſince it was indiſputably *they* who were originally the Authors and Ring-leaders of the Riot; and if any Capital Example was due for the Liberty taken with the Bawdy-Houſes, one would have thought it was from amongſt them that Juſtice would have look'd for its Victim.

All the Inhabitants again, and Houſe-keepers, who had often found their Recourſe to Law ineffectual, for the removing thoſe Nuiſances out of the Neighbourhood, which were indeed grown to ſuch a Height, that the Reſort to their own Houſes and Shop-Doors was interrupted by the fair Cruizers belonging to thoſe Houſes, could not but be deeply griev'd to ſee the Blood of a poor Creature ſpilt, who, without any ſet Malice or Deſign, had fall'n in with the Humour of demoliſhing them.

Nor have Numbers of Magiſtrates, Burgeſſes, and Perſons of Faſhion and Credit, great Reaſon to think themſelves oblig'd by the little Regard ſhewn their Interceſſion, when the making of that Interceſſion was, in Fact, much for the Intereſt and Honour of thoſe

those Mediators in Office to whom it was made.

And here it is but common Justice to mention an infamous Suggestion, in order to explode it, of a great Person, of whom a Number of Tenures, of the Nature of those aimed at in the last Riot, are supposed to be held, from the Situation of Part of his Estate, having been disserviceable to the condemn'd Parties: This was so far from the Truth, that, by the justest Account, no Life would have been taken away on this Occasion, had his Opinion prevail'd: So that this malicious scandalous Rumour could only arise, or be receiv'd, by those who impute to others the Meanness of their own Hearts.

But to return to our melancholy Subject. Mercy was late, but at length, obtain'd for *Wilson*, one of the Condemn'd; that is to say, after he had undergone the worst Part of Death, the Terrors and Apprehensions of it: His Respite was brought to *Newgate* about Ten, the Evening before Execution-Day, and on the Evening of that Day in which he had taken a most solemn affecting Leave of a tender Father, whose Heart was torn and split, to a Degree which every Parent may imagine, as every human Creature, who has Bowels, must feel for his deep Distress at parting, in this Manner, with a Child, an

innocent Child, going to an ignominious Death, for a Fault he had not committed, and was, at the worſt, ſo venial a one.

Well! it came at laſt; this gracious Reſpite came, and found the Youth in ſo great a Compoſure of Mind, and ſo reſign'd to the worſt of his unworthy Fate, that he receiv'd it with ſcarce a Change of Countenance, and ſeem'd leſs affected with Joy at his Eſcape, than concern'd that his Companion in Affliction did not ſhare it with him; though they had never known one another before their *common* Misfortune bred their Acquaintance in that ſad Place. As for *Penlez*, on whom it might have been imagin'd that his Fate was now falling with redoubled Weight, and to whom the Mercy ſhewn to his Friend might have appear'd the ſharpeſt Cruelty to himſelf, as ſoon as he heard what *Wilſon* was call'd down for, he ſaid, *He was heartily pleas'd with it, whatever became of himſelf, and ſhould be glad to be the firſt to wiſh him Joy of it.* This Account the Reader may depend on is literally true; and if to this is added what is equally true, that, on there being intimated to him ſome Hopes of a Reſcue, he expreſs'd the warmeſt Diſavowal of it, and begg'd of his Friends to exert their beſt Endeavours to prevent any Attempt of that Sort; declaring, that though he was to ſuffer as a Rioter, he had ſo little of the Principles of one, that he

did

did not even desire to owe his Life to a Riot; however it was his hard Fate to owe his Death to one. Can it be deny'd, even by those who made such a Point of cutting him off, that, to meet his Fate with Sentiments like these, was in some Sort not to deserve it? Sentiments that would have done Honour to a higher Condition of Life than his was, and that explode the Information so officiously and so *humanely* thrown in, of the Bundle found upon him.

As to other hidden, or at least non-apparent Motives, for this partial Pardon, it becomes no private Person to penetrate into, or account for them. These Emanations of Mercy from its great Fountain, should, like Oracles, be rever'd, and supposed big with Wisdom and Meaning, however beyond our shallow Comprehensions.

But nothing however, on the *Preservation* of one, who, for any *authentic* * Appearance to the contrary, was but equally innocent with the other, could hinder the public Pity from centering, with rather encreas'd than diminish'd Weight, on the unhappy Person now doom'd to suffer alone; since certainly it was Matter of great Indifference to the Public, whether it was one, or two, that were to be

* The Dying Speeches form no Objection here, as they are not supposed to be revealed, or to operate, but, like last Wills, till the Parties are dead.

ſacrific'd; but it was far from indifferent to it whether any Blood at all ſhould be ſpilt on ſuch an Occaſion: So that the Joy and Satisfaction at the ſaving of one, were compleatly ſunk and loſt in the univerſal Sorrow and Concern for the Fate of the other; which every one but himſelf thought ſo much the more rigorous for this unmerciful Diſtinction.

Thus, in ſhort, the Grace of this Act of Clemency, which ſeem'd, by the Nature of the Caſe, indiviſible, and ſuſceptible of no Compoſition, was, by making ſo great a Difference, where there was ſo little Room for Diſtinction, and where both their Pardons ſeem'd ſo fit to go together, ſo utterly deſtroy'd, as even to add to the Unpopularity of an Example of Severity, which, to much the greateſt Part of the Public, already appeared overſtrained and unneceſſary.

And here the Occaſion preſents itſelf as juſtly as it does rarely, of taking Notice of ſuch an Inſtance of the old *Britiſh* Spirit, as ſhews that ſtill the ſacred Flame is kept alive in a few Breaſts, amidſt a general Conſpiracy to its Extinction, and that in the right Senſe and correct Conduct of Mr. Sheriff, on this melancholy Demand of the Law for the Execution of his Office; which however offer'd him ſo fair an Opportunity to convince the World, by the Demonſtration of Fact, that nothing could be falſer than the Imputation

of a riotous ſeditious Humour being [illegible]lent among the People, and which had [illegible] the Handle made uſe of to urge the Neceſſity of this bloody Example. Nor did Mr. Sheriff miſs it: And accordingly, in Maintenance of the Right and Sufficiency of the Magiſtracy to protect itſelf in the Execution of its Office, he politely thank'd the Officer, at the Head of a military Command, in ready waiting, for his Proffer of Service, in Aid of the Civil Power: And himſelf, in Proof that his Majeſty's Reign was that of the Laws, and not of the Sword, with no other Guards than his own Officers, and the Enſigns of his Office, attended the Execution on Horſeback, when the poor unhappy young Man was put to Death * with all the Forms and Solemnity of Juſtice, and without the leaſt Appearance or Shadow of any Diſturbance: Nor did he ſubmit to it but with a Reſignation and Compoſure worthy of a leſs deplorable End. Here then let us leave him, with this only Wiſh, that he may meet with that Mercy in the next World which was ſo wiſely deny'd him in this!

* At *Tyburn*, the 18th Day of *October*, 1749, aged 23. He was the Son of a Reverend Clergyman of the Church of *England*, had ſerv'd out his Time to a Peruke-Maker, to whom he had been put out Apprentice with the uſual Sum given with the Clergymen's Sons, and had always preſerv'd a fair and honeſt Character.

FINIS.

BRITISH MUSEUM

* At Tiverton, the 16th Day of October, 1703, aged 2[illegible] Thomas the Son of a Reverend Clergyman of the Church of England, had serv'd out his Time to a Periwig-Maker, in whom he had been put out Apprentice with the usual Sum given with the Clergyman's Sons, and had always behav'd a fair and honest Character.

FINIS.